

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, March 24, 2005

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, March 24, 2005, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Blackwell, II
Erminia Ramirez
Jim Holley
Megan Norris
Willie Hampton

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Walter Martin
Cmdr. Claudia Barden-Jackson
Sgt. Esther Lightfoot
Sgt. Debbie Jackson
Sgt. India Randolph
PO Mike Woody
PO Kenneth Hayes

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator

OTHERS PRESENT

Anthony Marshall
Ron Scott
Rick Jones
Sandra Hines
Odell Johnson

RECORDERS

Jerome Adams
Kellie Williams

1. **CALL TO ORDER**

Chairperson Blackwell called the regular meeting of the Detroit Board of Police Commissioners to order at 3:22 p.m.

2. **APPROVAL OF MINUTES**

• **Thursday, March 17, 2005**

MOTION: **Comm. Hampton** made the motion to approve the above Minutes.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. **REPORT FROM THE CHAIR**

Proposed New Hire

Chairperson Blackwell stated there is a proposed new hire. The individual that we are putting forth is Mr. Robert Brown. Mr. Brown will be hired as a Police Commission Investigator assigned to the Office of the Chief Investigator.

MOTION: **Comm. Hampton** made the motion to approve the new hire.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. **SECRETARY'S REPORT – EXEC. DIR. GOSS**

OFFICE CLOSING

The Board of Police Commissioners' Office and the Office of the Chief Investigator will be closed on Friday, March 25, 2005, in observance of the

Good Friday holiday. Regular office hours will resume on Monday, March 28, 2005.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2005 - Weekly Count of Complaints:	31	283
2004 - Weekly Count of Complaints:	50	327

- The Office of the Chief Investigator (OCI) closed a total of 51 cases this week.
- The Office of the Chief Investigator submitted 5 cases to the Chief's Office. The Chief's Office has reviewed and returned 60 cases to OCI.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of March 15th – March 21st, the *Narcotics Enforcement and Conspiracy Units* conducted 35 search warrants and 24 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 38 Felony arrests
 - ◆ 104 Misdemeanor arrests
 - ◆ 2,718.7 Grams of cocaine, 69.3 grams of heroin, 5,365.5 grams of marijuana and 650 pills - street value \$1,240,182.00
 - ◆ \$41,112.00 U.S. currency
- Confiscated:
- ◆ 12 Handguns
 - ◆ 2 Vehicles

The Vice Section

During the week of March 15th – March 21st, officers of the Vice Section in conjunction with Alcohol Tobacco and Firearms, Gang Enforcement Section, Special Response Team, and Tactical Services Section conducted a raid on a known blind pig operating within the boundaries of the Second Precinct. The following are a result of their endeavors:

- ◆ 9 Felony arrests
 - ◆ 14 Misdemeanor arrests
 - ◆ 2 Arrests for “Engage in an Illegal Occupation”
 - ◆ 122 Citations issued for “Loitering in a Place of Illegal Occupation”
- Confiscated:
- ◆ 14 Handguns
 - ◆ 33 Vehicles

The Violent Crimes Task Force

On March 15th, an officer of the Violent Crimes Task Force (plainclothes) was working in the area of I-94 and Martin on surveillance of home invasion suspects in the area. Three (3) men approached the officer and demanded the officer turn the vehicle over to them. The officer requested assistance via police radio. Due to the officers' quick response, two (2) men were arrested, and one (1) juvenile detained for “Assault with Intent to Rob While Armed.”

Police/Community Intervention



BRINGING THE GUNS OFF THE STREET !



Total Guns Confiscated
Year-To-Date
773

FIRST PRECINCT

On March 21st, officers of the 1st Precinct while on patrol in the area of Brush and Larned observed a vehicle disregard two (2) red traffic signals at a high rate of speed. The officers initiated a traffic stop, which resulted in a man being arrested for "Carrying a Concealed Weapon - Person." Confiscated was one (1) handgun. Further investigation revealed the man has previous felony convictions for narcotics and weapons offenses.

SECOND PRECINCT

On March 18th, officers of the 2nd Precinct responded to the 14000 block of Tracey to assist the Arson Unit in executing a search warrant for a man wanted in connection with arson. While inside the location, the officers observed that two (2) rooms were being utilized for the purposes of growing marijuana. As a result of an investigation, one man (1) and one (1) woman were arrested for "Violation of Controlled Substance Act." Confiscated was one (1) shot gun and 6,280 grams of marijuana, street value \$25,120.00.

EIGHTH PRECINCT

On March 20th, officers of the 8th Precinct while on patrol in the 15300 block of Stout observed a vehicle backing down the street for approximately 125 feet at a high rate of speed. The officers initiated a traffic stop; as a result of their investigation, one (1) man was arrested for "Carrying a Concealed Weapon - Person." Confiscated was one (1) handgun.

NINTH PRECINCT

On March 18th, officers of the 9th Precinct in conjunction with the Michigan State Police launched a "Criminal Traffic Interdiction" initiative. The purpose of this initiative is to enforce traffic laws in areas that lead to the seizure of illegal firearms and narcotics. As a result of their efforts, one (1) felony and two (2) misdemeanor arrests were made, one (1) vehicle was seized under the forfeiture statute, and 29 traffic citations were issued.

TENTH PRECINCT

On March 16th, officers of the 10th Precinct were on surveillance of a vehicle involved in several home invasions. The officers observed the occupants exit the vehicle in the 6300 block of Whitewood, kick in the door and remove items from the home. Subsequent to an investigation, five (5) men were arrested for "Home Invasion."

TWELFTH PRECINCT

On March 11th, officers of the 12th Precinct responded to the 700 block of Whitmore on a "Person on With a Weapon Firing Shots" run. As a result of their investigation, a man was arrested "Felony Firearm" and "Habitual 3rd Offense." Confiscated was one (1) assault rifle with a bayonet attached.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – LIQUOR LICENSE UNIT

Sgt. Lightfoot and **PO Hayes** gave the following PowerPoint presentation:

(SEE ATTACHMENT)

QUESTIONS AND ANSWERS

Summary of Off-Premises Licenses

Chairperson Blackwell asked do you do the restaurants?

Sgt. Lightfoot stated the restaurants are included in there also, they are included in the on premise. These are off premises, which mean that they consume the alcohol not on that location.

Retail on-Premises Licenses

Chairperson Blackwell asked what is a 24-hour license?

Sgt. Lightfoot stated 24-hour licenses are only issued to non-profit organizations and they have to prove that their have....

Chairperson Blackwell asked they can operate for one day, but they still have to stop doing what they are doing by 2:00 a.m.?

Categories of Cabaret Licenses

Sgt. Lightfoot stated correct.

Chairperson Blackwell stated there is one group I didn't see.

Sgt. Lightfoot asked which one?

Chairperson Blackwell stated casinos?

Sgt. Lightfoot stated the casinos are in the Class C?

Chairperson Blackwell asked does that mean that they are limited to two or less entertainers?

Sgt. Lightfoot stated no, those are cabaret license because they don't have an actual liquor license.

Investigative Procedures

Comm. Hampton asked does the state issue the same type of license?

Sgt. Lightfoot stated the state is the one that actually issues the license. We do our investigation and the state does theirs and we forward ours to them and then they make the final decision.

Chairperson Blackwell stated the other night at the State of the City Address, the Mayor mentioned that there is an operation dealing with selling alcohol to underage individuals and there were many many stores that were caught doing this on a repeated basis. What happens? Is it fine levied by the city or is there a fine levied by the Michigan Liquor Control? Do you guys work together? How does that work?

Sgt. Lightfoot stated there are two different aspects of that. They have a case down in 36th District, where the city and the judges post the fine. They also have a hearing in MLCC. So, it could be a fine there also.

Chairperson Blackwell asked can the city revoke or a license?

Sgt. Lightfoot stated it depends on how many violations. And, we'll make a recommendation and it goes to the State.

Chairperson Blackwell asked but the state has to ultimately reward or revoke?

Sgt. Lightfoot stated right.

Investigative Procedures for Licensing Applications

Chairperson Blackwell asked did you say that you do a criminal background check on the applicant and the spouse?

Sgt. Lightfoot stated yes.

Chairperson Blackwell stated I can't remember doing a background check on my wife because the license was in my name.

Sgt. Lightfoot stated if the female is the applicant, then the male would be check. But, if the male is the applicant, then they do not do a background check on the wife.

Comm. Norris asked but if the wife is the applicant, then we check out the husband? That's not right.

Sgt. Lightfoot stated we have a money trail that we have to find out where the money is coming from.

Comm. Norris stated there is nothing any where that suggests that the money trail could all start and end with the wife. She asked the Chief if she could look into this situation.

Comm. Holley stated this is a State situation, not a City situation.

Comm. Norris stated the State does not preclude us from looking at the other. The State might say that you have to look at here, but it certainly does not say and you can't look at it there. And, sense some of these employment laws are federal; they really don't care what the State law says.

Chief Bully-Cummings stated I will look into that.

Liaisons & Requests

Sgt. Lightfoot stated our unit also investigates specific permits, such as food and outdoor service. The only one that goes to the City Council are the ones for the dance, entertainment, and topless permit. And, that came into effect once the city fell under the million people.

Chairperson Blackwell asked when it was over a million, it didn't go to the City Council?

Sgt. Lightfoot stated no. There is a law that states once it falls under a million, it goes to the govern body.

Comm. Norris stated so, that is part of the State law.

MLCC Hearing

Chairperson Blackwell asked did the fines go to the State or did we split them?

Sgt. Lightfoot stated the fines went to the State.

Chairperson Blackwell asked so the fines go to the State, but we do the enforcement?

Sgt. Lightfoot stated yes.

Chief Bully-Cummings asked do the renewal fees that are collected go into the general fund?

Sgt. Lightfoot stated yes.

Comm. Norris asked so we get that revenue?

Sgt. Lightfoot stated yes.

Chief Bully-Cummings stated it's only when people are fined under the state law.

Chairperson Blackwell stated so we get all of that?

Sgt. Lightfoot stated right.

Comm. Holley asked how many liquor licenses are in Detroit? Do we have any regulations? Are we regulated in terms of how people who have liquor licenses market those? Once we give them a license we don't police how they market it?

Sgt. Lightfoot stated the Building & Safety Engineer handle that ordinance and I think it is 25% of the building that they could actually have signage.

Comm. Holley asked has there ever been a study based on our population, how many liquor licenses ought to be given to a city based upon its density or based upon how a city neighborhood is designed? How many license do we have control of?

Sgt. Lightfoot stated at the end of 2004, we had 612 SDD's and 909 SDM's. For the Class C, we had 545.

Comm. Holley asked has a study been done as to how many license should be given to a city based upon it's population or density? Or do we think that one needs to be done, so that it doesn't seem like it is so accessible? We have more liquor stores than we have grocery stores.

Sgt. Lightfoot stated I don't know of any.

Comm. Holley asked could you find out?

Sgt. Lightfoot stated yes. There has been a study conducted on a number of license locations in the city.

Comm. Holley stated my concern is the priority of what a police officer should be doing based upon the money that we have how we should prioritize our money and our police officers. And, should we minimize the license in order to maximize the police department in doing the priority work, whether than this kind of stuff here that is causing the problems in the first place.

Sgt. Lightfoot stated based on the numbers that I just gave you, 9 times of out ten the party stores are going to hold the SDD and the SDM, so that they could sell beer, wine and the spirits. The licenses are out there, but one location may have two licenses.

Chief Bully-Cummings stated we are not issuing any new licenses any more, these are licenses that were in escrow or people were selling them to one another.

Sgt. Lightfoot stated yes, sometimes they would transfer them.

Comm. Norris stated because it is a set number.

Sgt. Lightfoot stated right.

Comm. Hampton asked what is the procedure, if you wanted to apply for a 24-hour liquor license? Where would apply?

Sgt. Lightfoot stated you would come to our office, which is located at 2110 Park. If this is your first time applying, you need an article of incorporation and proof of gun profit status, and your charter or bylaws.

Comm. Hampton asked what is the timeline?

Sgt. Lightfoot stated we process it as soon as possible.

Chairperson Blackwell asked what is the renewal fee?

Sgt. Lightfoot stated \$75.00 goes to the State.

Chairperson Blackwell stated with the Super Bowl coming up, there are going to be thousands of requests for 24-hour liquor licenses. I feel that we should not be burdened down with having to do all of the work and not getting any of the fees. I think we should look into Special Event type status because it is going to be a burden on your department.

Comm. Holley stated even it is a temporary ordinance that we could benefit from; we need to think about it now.

7. APPROVAL OF GENERAL ORDER

DIRECTIVE 304.4: BOARD OF REVIEW (*revised*)

Comm. Norris stated we received Directive 304.4: Board of Review, which was previously submitted to us, it went under lots of revisions and we passed it. There is just one more revision that has to do with changing the title of someone because organizational their titles have been changed. There are no subsequent changes to this.

MOTION: **Comm. Norris** made the motion to approve the revised Directive.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Blackwell stated the Board would like to congratulate **Comm. Norris** on her hard work on this.

8. OTHER BUSINESS

Closed Session

Comm. Norris stated we have a request that was made by Anthony Ray Marshall.

MOTION: **Comm. Norris** made the motion that the Board of the Police Commissioners conduct a closed session pursuant to MCL15.268F of the Open Meetings Act, which authorizes closed session for employment matters to review and consider the contents of his employment application.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Blackwell conducted the following roll call vote:

Comm. Holley stated yes.

Comm. Hampton stated yes.

Comm. Norris stated yes.

Comm. Ramirez stated yes.

Comm. Blackwell stated yes.

THE BOARD ENTERED THE CLOSED SESSION AT 3:55 P.M.

THE BOARD RETURNED FROM THE CLOSED SESSION AT 4:25 P.M.

Chairperson Blackwell stated we have just concluded our closed session and we have now entered our regular session. He asked do we need to vote to do that?

Comm. Norris stated no, all we need is a vote to adjourn.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, March 31, 2005 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

Ron Scott asked if the Commission could revisit the issue of towing policies and procedures? I also found out that the city of Detroit has only one (1) or two (2) owned African-American owned towing services.

Comm. Norris stated during my time on the Board, we have had two different presentations on the towing piece of it and one piece on the contract. And, all three of those presentations have been remarkable for the information that we have learned.

Chairperson Blackwell asked could we have you schedule another presentation to explain the towing process?

Chief Bully-Cummings stated sure. Mr. Scott I am not sure if you are aware that Mr. Harris, the Auditor General, did an audit of the Department's towing process. I will agree that it is not the best process to have and we are looking at making a recommendation based upon his audit and some things that we have learned. As Comm. Norris indicated, we (this administration) was bound by contracts that were entered into in the eleventh hour, concerning everyone of the towing contracts were renewed for an extended period of time. And concerning people of color, as far as towing, the contract calls for the tower to have a certain number of space available for the parking and towed vehicles plus to have x number of towing trucks available. Unfortunately, a lot of people of color, in the towing business could not meet that standard. Actually, it is very low, I think it is like two (2) or three (3) tow trucks and the ability to store at least twenty (20) vehicles.

Chairperson Blackwell asked we couldn't meet that standard?

Chief Bully-Cummings stated that has really been an ongoing issue for a very long time, the lack of contractors or people of color.

Mr. Scott stated I am glad that you have corrected me, in terms of people of color as oppose to African-American only because I am thinking now that the fact that we are getting other people of color to a large degree coming or moving to the city....

Chief Bully-Cummings stated maybe I should correct it, African-American.

Mr. Scott stated I am correcting it for people of color because I am saying that we are getting other people of color that is coming to the city now, in addition to...

Chief Bully-Cummings stated my comment is based upon historically.

Chairperson Blackwell stated being the Chairman of the County Commission, when we found that there were pediments to Detroit based and African-American owned or minority owned businesses, what we did was try to work with the larger companies that make it, so that part of their bid had to include a subcontractor, so therefore there would be a relationship. Because what we are trying to do is grow Detroit businesses, whether they are black or white.

Sandra Hines voiced a concern when her car was carjacked, she wasn't aware that she didn't have to pay for towing fees, until someone at the Eighth Precinct gave her that information. She also stated there are a lot of flaws in the towing procedures.

11. ADJOURNMENT

The meeting was adjourned at 4:26 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw